

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/22/2022
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALONIA WHITE,

Plaintiff,

-v -

IRIS NOVA LTD, DIRTY LEMON
BEVERAGES, LLC, and ZAK NORMANDIN,

Defendants.

----- X
GREGORY H. WOODS, United States District Judge:

1:21-cv-10490-GHW

ORDER

On July 22, 2022, Plaintiff submitted a notice of voluntary dismissal, seeking to dismiss this action against Defendants without prejudice under 41(a)(1)(A)(i). Dkt. No. 13. In *Samake v. Thunder Lube, Inc.*, 24 F.4th 804, 807 (2d Cir. 2022), the Second Circuit concluded that the Court must evaluate voluntary dismissals of FLSA claims without prejudice under Rule 41(a)(1)(A) to ensure that they do not obscure a settlement. As a result, the Court cannot endorse Plaintiff's stipulation of dismissal in its current form without conducting appropriate diligence as mandated by the Second Circuit. The Court will accept a stipulation of dismissal under Rule 41(a)(1)(A)(i) so long as the plaintiff certifies that there has been no settlement of FLSA claims. Counsel are directed to review the Second Circuit's opinion in *Thunder Lube* and to submit a sworn affidavit in support of the stipulation no later than July 29, 2022.

SO ORDERED.

Dated: July 22, 2022
New York, New York

GREGORY H. WOODS
United States District Judge